

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, AUGUST 7, 2007

The Truro Board of Selectmen met for their weekly session on Tuesday, August 7, 2007 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Heather Rockwell, JoAnn Muramoto, Stephen McKenna, Theresa Barbo, Joseph Mantegna, Anthony Ardino, Steve DiGiovanni, Peter Morris, Phil Tavers, Joe and Beth Francis, Freddie deSouza, Paul Morris, Girard Smith, Charles Morton, Lisa Olson, Marian Averback, Shirley Smith, Betty Bingham, Pat Wheeler, Judy Howard, Larry Lown, Michael and Debby Peters, Steve Desroche of the Cape Codder, Mary Ann Bragg of Cape Cod Times and Kevin Mullaney of the Banner. Assistant Town Administrator Charleen Greenhalgh was absent.

Mr. Gaechter convened the meeting at 6:00 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the July 31, 2007 as written. Ms. Worthington seconded it. Vote: 5-0, unanimous.

Public Comment: None

Introduction of new Harbor Master: Ms. Nolan introduced Joe Francis, a resident of Truro. She noted that there were 13 applicants, ten of whom were interviewed. That number was narrowed down to three, one of whom withdrew. She selected Mr. Francis because with his background in fishing, he has experience and knowledge of the ocean and Pamet Harbor. Unless the BOS objects, he will start full-time tomorrow. **Mr. Gaechter moved to support the hiring of Joe Francis as the new Harbor Master. Ms. Worthington seconded it. Vote: 5-0, unanimous.**

Cape Cod Bay No Discharge Group: Mr. Gaechter explained that this group is seeking federal designation of a no discharge area (NDA) for Cape Cod Bay. Mr. McKenna of MA Coastal Zone Management introduced the other members of the group, JoAnn Muramoto of the APCC, Heather Rockwell, Nantucket Soundkeeper, and Theresa Barbo, Provincetown Center for Coastal Studies. His presentation included information on what a NDA is, the importance of having one, and what this would mean to boaters and municipalities. A key requirement to a NDA is the assurance that there are enough pumpout facilities to handle boat sewage. There are federal and state monies available to help towns provide one. The Town of Wellfleet has already gone through this process a number of years ago as a town to get their harbor designated to protect aquaculture. The group is asking the BOS for support of the project and to sign a letter of support, and to be a signatory on the formal application to be filed. Signatories must demonstrate that they have assets in place that the EPA requires for boat pumpout facilities. The biggest hurdle right now is Provincetown securing the funds for a pumpout facility on MacMillan Wharf. The Board had questions on cost, sharing of facilities, and what fees could be charged to recover operational cost. Mr. Morris told the Board that there had been a building and facility in place at the Harbor to dump sewage into and then pump out, but it was not used and so it was taken down because of the space it took up; that building and system are still available. **Mr. Gaechter moved to support the investigation into a NDA for all of Cape Cod**

Bay, and agree to peruse an application when it is presented to the Town for signature. Mr. Hartman seconded it. Vote: 5-0, unanimous.

ADA compliance at “Concert Park”: Mr. Gaechter prefaced the discussion by explaining that they have been discussing a way to make “Concert Park” ADA compliant. It appears that a ramp will need to be so large it will encroach on the park. They have also considered moving the events to Pamet Park or dropping people off using the existing driveway. Ms. Wheeler reported that the Truro Concert Committee has met to discuss this. Over the years they have held the concerts in various areas of town and have not found a more suitable location. It is a natural bowl which is good for the sound, and the location is in the center of Town. It is their mission to make these concerts a family affair, and there are lots of small children attending and they are free to run and dance. The shape of the park acts as a natural barrier to the street. Their feeling is that this is the best place for the concerts and it would be damaging to try to move it. They would like to keep the concerts there and make the park accessible. Mr. Gaechter said his strong opinion is that moving the concerts is not the answer. Ms. Worthington said that it is a town park, for all of the town, so if ADA compliance would impact other people’s use of the park, that must be considered as well. Ms. Nolan said she is still researching what other towns have done. Mr. Morris reported on the meeting with Mr. Lambert, but had no recommendation for the Board. Ms. Wheeler said it has never been a safety issue having people dropped off at the end of the driveway; many band members drop off their instruments. Chatham has solved a similar problem using grant money to purchase a public lift. She provided the BOS with some literature. She noted that presently, the COA van drives down there and parks for the remainder of the concert. Ms. Howard said she also feels the concerts should remain there, and reasonable accommodations are available through ADA. There are portable vertical lifts that would cost approx. \$10k. Another thing could be done right away, which is publishing information on the COA van availability. Ms. Nolan reported that the COA Director told her to keep in mind that they only have one van and one driver. It is available to anyone, and is not selective. Ms. Howard suggested that they include a statement when publicizing the concerts that this service is available. This would meet the ADA requirement. She thought they should explore bringing up the grade in a certain location; this would be useful for strollers and walkers and would provide reasonable accommodation. Mr. Gaechter said they should allow Ms. Nolan to explore the options for next season; they are left with the COA van use for this year. Mr. Palmer noted that if the COA van makes multiple trips, it will have to have a turn-around layout. Mr. Gaechter said that parking across the street is set aside for handicapped parking. They will have another joint meeting in the fall when Ms. Nolan has information to report.

Curb cut request for 41 Bayview Road: Mr. Lucy said he was stepping down because he works on a regular basis for the contractor, Gregory Morris. He noted that Mr. Morris is Gregory’s nephew, but there is no conflict here as he will be acting on behalf of the town. Mr. Gaechter requested that the applicant explain the need for an additional curb cut to his property. Mr. Mantegna explained that his neighbor, the Luttingers rent their home and there are always a lot of children out playing. A few years ago an emergency vehicle could not access their driveway because there were so many cars parked in the road. They feel a U-shaped drive will make it easier for them. There are people backing out of their driveway all the time. Mr.

Gaechter said he had made a site visit and it appeared to him that they have a lot of space in the present area to turn around and drive out. He said that parking in the middle of a town road is an enforcement issue for the police. Mr. Ardino said that they also would like to plant the area to give the property more interest. Ms. Worthington said that in the case on Depot Road the Board set precedent for limiting curb cuts to one per property. They don't want to have multiple cuts all over town. Mr. Mantegna said that if they couldn't have the two cuts, they would like this new one and they would close the old one. Mr. Morris told the Board that the Fire Chief confirmed that there was a rescue call that had a problem with all the cars parked there. He said that road has never been improved and it should be cleaned up back to the proper width. There is no need to go all the way to the end, however. If no parking signs are posted, it should solve the problem. Mr. Gaechter said that he would oppose the curb cut, and Mr. Hartman concurred. Mr. Gaechter said he would like to see the results of cleaning the street and enforcing parking before the applicant comes back to ask about moving his driveway. Chief Thomas told them that if the road is posted no parking, he can issue citations. Mr. Lucy stepped back in to comment that if the curb cut is granted, the applicant would be willing to foot the bill. Ms. Worthington questioned that Mr. Lucy had recused himself. Mr. Hartman said he was entitled to speak as a citizen. Mr. Mantegna said he would prefer to get the curb cut. Mr. Palmer said that if this doesn't work, the applicant can come back. Mr. Gaechter said that the Town Administrator and the Police Chief are to discuss how far to improve the road and let the BOS know. Chief Thomas is to post no parking signs. Mr. Gaechter advised the applicant to withdraw his application rather than have the BOS vote to deny it. The application was withdrawn.

Filming Agreement: Ms. DuPree told the Board that she had requested input from both the Police Chief and the Beach Supervisor on a request from Big Pond Films to film at Cold Storage Beach and parking lot on August 27, 28, 29 from 9:00 a.m. - 7:00 p.m. Chief Thomas has recommended a police detail. She did not get a response from Ms. Costa. Ms. Worthington recommended that they approve the application because it described filming with a small crew and not much equipment, so she feels there will not be much impact to the beach operation. **Mr. Gaechter suggested making approval contingent upon parking in the upper lot. Ms. Worthington moved to grant permission to film on August 27, 28 and 29 from 9:00 a.m. - 7:00 p.m. with the caveat that they park above the road down to the beach. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Quarterly report, Chief Thomas: Ms. Worthington sat in the audience. Chief Thomas gave the Board an overview of the Police Department in the last quarter of FY07. Mr. Lucy questioned the Chief on the expected shortfall in the gas account for FY08. Ms. Nolan said that they would have to ask a fall STM for more. Mr. Lucy asked if there were any thought to cutting back on the use of fuel, for example, did the out of town cruisers have to go home with the officers. Those vehicles would use more fuel than those going home with officers in Truro, and he questioned how much quicker a response time that would actually make. He also questioned the use of cruiser by officers working out-of-town details. Chief Thomas told him that those officers only use the cruiser to commute to the job, and they are not left idling. This provides a quick response back to town to any emergency that may arise in Truro. Mr. Hartman noted that

he hears the same comments that Mr. Lucy does on this, and asked if there were any way the Chief could track how often these quick response times have been needed. With this information they would know what they are dealing with. Chief Thomas thought they could go back and see, but he likened it to having a fire truck standing by ready to go. Mr. Lucy disagreed with that analogy. Mr. Gaechter said that this discussion was bordering on telling the Chief how to run his department, and he would rather spend the extra \$10.00 per year to have rapid response available. The one time an officer cannot return to an accident in his personal car, and someone dies, he doesn't want to be responsible for it. Mr. Gaechter and Mr. Lucy did not agree on how much money this might save on fuel costs.

Mr. Gaechter asked the Chief when the motorcycle safety sign would come down. He said they had decided to keep it up for the summer season. Mr. Gaechter asked if the police had been called out this weekend to Old Colony Way regarding a complaint about Truro Adventures. Chief Thomas responded that they had been called out three times and had to ask a wedding to end. They have received more calls this weekend on this than in the past. Mr. Gaechter asked how they responded to the police. Chief Thomas said that they turned the music off. The rest of the noise was the people leaving. When questioned about the complaints about the tour buses, he told the Board there was nothing inappropriate about the tour buses. Parking at the Great Hollow Beach lot is only restricted during the day. Ms. Nolan noted that she has received quite a few complaints about these functions. One of them suggested that they look at the Special Event Permit that is required by the town of Stow, VT. She has been asked lots of questions on the music, noise and congestion. She thinks they should tweek our bylaws; people have really had it. The Board discussed that the TCS parking lot was used for this wedding, and Ms. Nolan was directed to talk with the TCS Superintendent about the use of their parking lot. Chief Thomas said he is trying to find out if more events are scheduled. Mr. DiGiovanni, manager of Truro Adventures asked to speak. He told the Board that on Sunday, there were three occasions when the police came, and the last time the noise level was acceptable to them. The police did not ask him to close down the event. It ended at 11:00 p.m. as scheduled. Mr. Gaechter asked if he was not concerned with his neighbor's complaints. Mr. DiGiovanni said that he was, and he has spoken to one of them already, and is happy to sit down with them at any time. Mr. Gaechter informed him that the Board had permitted him to speak with Mr. DiGiovanni on their behalf. Mr. DiGiovanni said he would be happy to meet with him.

Mr. Palmer had a question on the new bike patrol. Chief Thomas explained how this detail will work. It is all about visibility. The speed of vehicles on Beach Point has already slowed since this was put into place. Chief Thomas suggested that they have a work session to discuss how to handle weddings. It was agreed that the Fire Chief, the Police Chief, and the Building Inspector should attend such a meeting.

One-day liquor license: Mr. Gaechter moved to approve the request for a on-day wine and malt license from the Truro Historical Society for August 22, 2007 for the hours of 4:30 p.m. - 6:00 p.m. Mr. Hartman seconded it. Vote: 5-0, unanimous

Town Administrator's Report: (no action items)

Selectmen/Liaison Reports: (action items)

Worthington: -Reported that the recycling at town beaches was not working out. Mr. Morris explained that people are putting all sorts of trash in the containers that he does not want his employees to have to pick through. In addition to that, it is labor intensive, requiring multiple trips to pick it up.

Palmer: -Reported that the BOH would like to use the microphones at their meetings. Ms. Nolan said they will need to be trained by the IT Director. Mr. Gaechter mentioned receiving an e-mail request from the Planning Board to use their meeting room. Ms. Nolan was directed to contact Mr. Worthington to get the details of this request.

Gaechter: -Received an e-mail from a citizen regarding postal service in town. The Board discussed a survey taken years ago, and whether another one should be conducted. Mr. Hartman remembered that the response was against it, and the LCPC was against it. Mr. Gaechter will respond to this citizen. Ms. Worthington thought it might be worth doing. Mr. Gaechter said they would have to see what the USPS is willing to do.

Lucy: -Noted that Mike Roderick told him they have not been contacted by the USPS yet regarding the new NT Post Office. Mr. Gaechter said he would make one more phone call.

- Asked if there were going to be a fall STM. Ms. Nolan said there would, and she was directed to go over the schedule for a date.

Next week's agenda: No regular meeting on Tuesday, Joint meeting with Provincetown on Monday at 6:00 p.m. The Highland Center report will be given on the 21st.

Other business: Ms. Nolan explained that they had received payment from Ms. Redo to cover the cost of the memorial plaque for her husband. **Mr. Hartman moved to approve the expenditure of \$138.93 from the gift account. Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

At 8:20 p.m. Mr. Gaechter moved to adjourn. Vote: 5-0, unanimous.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington
Board of Selectmen
Town of Truro